



San Diego Region



Justin H. Hickox
Secretary for
Environmental
Protection

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Gray Davis
Governor

31 May 2001

Certified Mail No. Z 390 538 372
Return Receipt Requested

IN THE MATTER OF

William P. Johnson
North Plaza, LLC
29400 Rancho California Road
Temecula, CA 92591
NPDES General Permit No. CAS000002,
SWRCB Order No. 99-08-DWQ
Subject Site: North Plaza
Ynez Road at North Plaza Drive
Temecula, CA 92591

NOTICE OF VIOLATION NO. 2001-192

WDID No. 9 33S314866

YOU ARE HEREBY NOTIFIED THAT:

You are in violation of California Water Code (CWC) sections 13267 and 13383 for failing to submit an adequate technical report. This violation subjects you to possible enforcement action by the California Regional Water Quality Control Board, San Diego Region (Regional Board), including administrative or judicial proceedings for the assessment of civil liability in amounts of up to \$25,000 per day; referral to the State Attorney General for injunctive relief; and referral to the District Attorney for criminal prosecution.

FAILURE TO SUBMIT REQUIRED INFORMATION

On 31 May 2001 the Regional Board received the following documents from your consultant, Michael A. Tylman, Vice President, Civil Engineering, Riverside Region, Robert Bein, William Frost & Associates:

- Storm Water Pollution Prevention Plan for North Plaza Development (29 October 1999).
- Copy of Notice of Intent (NOI) package submitted to the State Water Resources Control Board (31 August 2000).
- Copy of North Plaza, LLC Grading Permit issued by the City of Temecula (23 June 1999).
- Copies of Regional Board correspondence dated 10 May 2000, 23 June 2000, and 11 January 2001
- Copies of Monteleone Contractors, Inc. Grading Invoices dated 22 February 2000, 03 March 2000, 31 March 2000, 12 January 2001, and 16 January 2001.
- Copy of the Preliminary North Plaza Rough Grading Plan (7 Sheets).

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

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31 May 2001


Although no technical report has been received, the Regional Board was able to locate some of the requested information in the documents submitted. However, you failed to submit any monitoring and reporting records as requested on 10 May 2000 by 31 May 2000, nor any information "describing what immediate steps were taken to minimize further site violations, including the structural and non-structural BMPs selected to stabilize all exposed areas including all disturbed slopes and flat surfaces" as requested on 25 January 2001 by 16 February 2001. Finally, the technical report is to be submitted with a signed perjury statement. Therefore you continue to be in violation of CWC sections 13267 and 13383.

VIOLATION OF CONSTRUCTION STORM WATER PERMIT SECTION C.2.

Section C.2. requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) in accordance with Section A: Storm Water Pollution Prevention Plan. Section A details the requirements of the SWPPP, most importantly that the site specific and dynamic document "shall be developed prior to the start of soil-disturbing activity...." In this case, the NOI lists the construction commencement date as 15 April 1999, yet the SWPPP was not developed until 29 October 1999. Furthermore, a review of the SWPPP reveals that the document is neither site specific nor dynamic, but instead appears to be a generic Robert Bein, William Frost & Associates SWPPP.

Questions pertaining to this Notice of Violation should be directed to Frank Melbourn at (858) 467-2973.

Sincerely,



Michael P. McCann, P.E.
Supervising Water Resource Control Engineer

MPM:mja:ftm

Copies to:

1. Terri Dickerson, California Department of Fish and Game
2. Steve Fuller, U.S. Environmental Protection Agency, Region IX
3. Tom Huetteman, U.S. Environmental Protection Agency, Region IX
4. Csaba Ko, representative for Mr. Johnson
5. Karen Marzek, U.S. Army Corps of Engineers, San Diego Field Office
6. John Pourkazemi, City of Temecula

File No. 10-3013938.02

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California Environmental Protection Agency